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8 Attorney for Petitioner MICHAEL DEAN ADKISSON

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 MICHAEL DEAN ADKISSON,  
12  
Petitioner,  
13  
v.  
14 D.W. NEVEN,  
15  
Respondents.  
16

Case No. 2:14-cv-01934-APG-CWH

**UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE  
REPLY TO ANSWER**

**(First Request)**

**ORDER**

17  
18 Petitioner Michael Dean Adkisson moves this Court for an extension of time of  
19 sixty (60) days from April 28, 2017, to and including June 27, 2017, to file his Reply to  
20 Respondents' Answer. This motion is based upon the attached declaration of counsel  
21 and the files and records in this case.

22 DATED this 25th day of April, 2017.

23 Respectfully submitted,  
24 RENE L. VALLADARES  
Federal Public Defender

25 /s/ Armilla Staley-Ngomo

26 ARMILLA STALEY-NGOMO  
Assistant Federal Public Defender

1                                    **DECLARATION OF ARMILLA STALEY-NGOMO**

2    STATE OF NEVADA        )  
3                                    )        ss:  
4    COUNTY OF CLARK       )

5                    I, ARMILLA STALEY-NGOMO, hereby declare under penalty of perjury that  
6    the following is true and correct:

7                    1.        On August 25, 2015, Mr. Adkisson filed an Amended Petition and  
8    Supporting Exhibits in this matter. ECF 16-21. On August 27, 2015, Assistant  
9    Federal Public Defender Melanie Gavisk filed a Notice of Change of Attorney. ECF  
10   23. Ms. Gavisk had previously filed a Notice of Representation on July 2, 2015. ECF  
11   13. On February 10, 2016, Mr. Adkisson filed his Second Amended Petition,  
12   Supporting Exhibits, and a Notice of Manual Filing. ECF 28-30. On May 16, 2016,  
13   Respondents filed their Motion to Dismiss and Supporting Exhibits. ECF 36-42. On  
14   August 1, 2016, Mr. Adkisson filed his Opposition to Respondents' Motion to  
15   Dismiss. ECF 45. On August 4, 2016, Respondents filed their Reply to the  
16   Opposition. ECF 46. On February 13, 2017, this Court issued an order denying  
17   Respondents' Motion to Dismiss. ECF No. 48. Respondents filed their Answer on  
18   March 29, 2017. ECF No. 49. Mr. Adkisson's Reply to Respondent's Answer is  
19   currently due on April 28, 2017.

20                    2.        Due to Ms. Gavisk's impending departure from my office, I (Armilla  
21   Staley-Ngomo) filed a Notice of Appearance in this matter on August 9, 2016. ECF  
22   47. However, I was on maternity leave from July 25, 2016 through October 26,  
23   2016, and was unable to work on this matter during that period of time. Because of  
24   reorganization in the Federal Public Defender's Office, I was newly assigned nearly  
25   twenty cases upon my return from maternity leave in October of 2016 which have  
26   required my attention.

1           3.       More specifically, I have been assigned several pre-petition habeas  
2 corpus matters, at least four of which have AEDPA time remaining on their claims.  
3 These pre-petition matters have resulted in numerous initial client visits at various  
4 Nevada state prisons over a condensed period of time, including at High Desert  
5 State Prison in Indian Springs; Northern Nevada Correctional Center in Reno;  
6 Lovelock Correctional Center in Lovelock; and Ely State Prison in Ely. In addition,  
7 the client visits in Reno, Ely and Lovelock necessitate a flight to and an overnight  
8 stay in Reno, as my offices are located in Las Vegas.

9           4.       The Nevada Department of Corrections currently houses Mr. Adkisson  
10 at the Northern Nevada Correctional Center in Reno. For the reasons stated above,  
11 I was unable to travel to visit Mr. Adkisson in person until March 16, 2017. I also  
12 have a previously scheduled visit with four clients at Ely State Prison this week, as  
13 well as to visit two clients at High Desert State Prison and two clients at Lovelock  
14 Correctional Center over the coming weeks.

15           5.       The requested extension of time is therefore necessary in order to  
16 effectively and thoroughly represent Mr. Adkisson. This is a complex habeas corpus  
17 matter involving a second degree murder conviction. I need additional time to  
18 review the voluminous files and records in this case related to Mr. Adkisson's  
19 extensive trial, post-conviction, and appellate court proceedings—which span over a  
20 period of twelve years. Mr. Adkisson's federal habeas record also includes a second  
21 amended petition that is 48 pages in length, including 148 supporting exhibits  
22 totaling more than 2,650 pages, and an answer that is 64 pages in length.

23           6.       In addition, I have been busy working on other pressing deadlines,  
24 including: several amended petitions, at least four of which have AEDPA time  
25 remaining on their claims; a federal habeas petition filed last month that involved  
26 murder and attempted murder counts and has a second amended petition due in

1 June; a reply to an answer filed earlier this month; another federal habeas corpus  
2 petition involving the violent habitual felon statute filed earlier this month; two  
3 oppositions to motions to dismiss due next month; and a Ninth Circuit argument in  
4 June.

5 7. For the reasons stated above, as well as the files and records in this  
6 case, I ask this Court to grant my request for an extension of time of sixty (60) days  
7 and order the Reply to the Answer to be filed on or before June 27, 2017. This  
8 motion is not filed for the purposes of delay but in the interests of justice, as well as  
9 in the interests of Mr. Adkisson. This is counsel's first request for an extension for  
10 this pleading.

11 8. On April 24, 2017, Deputy Attorney General Matthew S. Johnson  
12 indicated that he had no objection to this request.

13 I declare under the penalty of perjury that the foregoing is true and correct.

14 Dated this 25th day of April, 2017.

15  
16 Respectfully submitted,  
17 RENE L. VALLADARES  
18 Federal Public Defender

19 /s/ Armilla Staley-Ngomo  
20 ARMILLA STALEY-NGOMO  
21 Assistant Federal Public Defender

22 IT IS SO ORDERED:

23  
24   
25 United States District Judge

26 Dated: April 26, 2017.